

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC., )  
individually and on behalf of NORFOLK )  
& PORTSMOUTH BELT LINE )  
RAILROAD COMPANY, )  
Plaintiff, )  
v. )  
NORFOLK SOUTHERN RAILWAY )  
COMPANY, et al., )  
Defendants. )

**DEFENDANTS' JOINT NOTICE OF REQUEST FOR COURT STATUS CONFERENCE**

Defendants Norfolk Southern Railway Company (“NSR”) and Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”), by counsel, hereby request an in-person status conference with the Court. The status conference would address and perhaps resolve multiple scheduling questions arising from the current posture of this complex and long-running matter. Counsel for CSX Transportation, Inc. (“CSX”) have been consulted about this request, and has stated the position that such a status conference is unnecessary at this time.

As the Court is aware, this case has been stayed twice during the past two and a half years—the first time due to the COVID-19 global pandemic and the second time due to referral of a question to the Surface Transportation Board (“STB”). At the time of the second stay, NSR and NPBL both had fully briefed motions for summary judgment, and all of the parties had filed motions in limine in anticipation of trial. The STB issued a decision on June 17, 2022. NSR expects to file the necessary paperwork to exercise its statutory right to seek judicial review of the STB decision within the ninety-day deadline to preserve its objections to the decision.

Additionally, the parties have requested a trial date from this Court consistent with outstanding direction from the Court. Additional pre-trial motions are possible, and the parties have agreed in principle to limited additional discovery to “true up” data for the period while this matter was stayed. Considering the various stays, pending motions, possible additional motions, supplemental discovery, an anticipated challenge to the STB’s decision, and need to set a litigation schedule and trial date, Defendants jointly request a status conference with the Court at the Norfolk Courthouse at the Court’s convenience to ensure all these matters are addressed to the Court’s satisfaction.

Date: July 19, 2022

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY COMPANY**

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